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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**RAYMOND RANDALL**

Plaintiff

vs.

**THE CITY OF PHILADELPHIA,  
PHILADELPHIA POLICE OFFICER REYNOLDS,  
BADGE NUMBER 4268; PHILADELPHIA POLICE  
OFFICER LICIARDELLO, BADGE NUMBER 4383;  
PHILADELPHIA POLICE OFFICER CUJDIK,  
BADGE NUMBER 1574; PHILADELPHIA POLICE  
OFFICER MCGEE, BADGE NUMBER 4504,  
PHILADELPHIA POLICE OFFICER MCCUE,  
BADGE NUMBER 6628, individually and as police  
officers for the City of Philadelphia**

Defendants

JURY TRIAL  
DEMAND

C.A.#04-CV-4163

**COMPLAINT**

FILED  
By M.L. SEP 12 2004  
Dep. Clerk

**I. JURISDICTION**

1. This action is brought pursuant to 42 U.S.C. §§ 1331,1332 and 1343(1),(3),(4) and the aforementioned statutory provision. Plaintiff further invokes the supplemental jurisdiction of this Court to hear and decide claims arising under state law.

**II. PARTIES**

2. Plaintiff, Raymond Randall is an adult male who was at all times relevant to this Complaint, a resident of Pennsylvania.

3. Defendant City of Philadelphia is a City of the First Class in the Commonwealth of Pennsylvania and at all times relevant hereto operated under the color of state law in creating and maintaining a Police Department, was the employer

10/2004  
LAW

of all Defendants and had the responsibility of adopting policies, implementing procedures and practices which would create an environment whereby citizens would be safe from police abuse.

4. Defendant Police Officer Reynolds, Badge number 4268, is and was at all times relevant to this Complaint, a police officer for the City of Philadelphia and acting under the color of state law. He is being sued in both his individual and official capacities.

5. Defendant Police Officer Cujdik, Badge number 1574, is and was at all times relevant to this Complaint, a police officer for the City of Philadelphia and acting under the color of state law. He is being sued in both his individual and official capacities.

6. Defendant Police Officer Liciardello, Badge number 4383, is and was at all times relevant to this Complaint, a police officer for the City of Philadelphia and acting under the color of state law. He is being sued in both his individual and official capacities.

a. Defendant Police Officer McCue, Badge number 6628, is and was at all times relevant to this Complaint, a police officer for the City of Philadelphia and acting under the color of state law. He is being sued in both his individual and official capacities.

8. Defendant Police Officer McGee, Badge number 4504, is and was at all times relevant to this Complaint, a police officer for the City of Philadelphia and acting under the color of state law. He is being sued in both his individual and official capacities.

### **III. FACTS**

9. On September 16, 2003 Defendants claim that they received information from a confidential source that narcotics were being stored at 769 A North Preston Street, Philadelphia, Pennsylvania.

10. As a result of this information Defendant Cujdik obtained a search warrant for 769 A North Preston Street.

11. On September 25, 2003, Defendants executed search warrant #110499 at 769A North Preston Street.

12. No narcotics or other contraband were confiscated.

13. Defendants then executed a search warrant at another location at 606 N. Union Street, Philadelphia, Pennsylvania.

14. Defendants searched that location and recovered no narcotics or other contraband. Defendants did however confiscate narcotics in a vacant lot that had no relation to 769A North Preston Street or 606 N. Union Street.

15. Defendants however arrested Plaintiff who was visiting the neighborhood and was outside in the area of 606 N. Union Street. Plaintiff was never near the vacant lot.

16. Defendants McCue and McGee confiscated five (5) small packets of marijuana. Defendants thereafter provided information to the authorities which placed the possession of the recovered narcotics in the vacant lot on Plaintiff.

17. As a result of his arrest, Plaintiff was charged with narcotic related crimes of: CS13A30-Controlled Substance Act (Manufacture, Delivery); CS13A16-Controlled

Substance Act (Knowingly and Intentional), CS13A31-Controlled Substance Act (Marijuana For Personal Use) and CC09030-Criminal Conspiracy. These charges reflected Plaintiff's involvement with the narcotics confiscated from the vacant lot.

17. Defendants made a high bail request and bail was set at \$25,000.00.

18. As a result of his arrest Plaintiff was incarcerated.

19. On July 20, 2004 the Court dismissed all criminal charges against Plaintiff.

20. The foregoing conduct of the Defendants, acting under the color of state law, was undertaken in concert and conspiracy and as part of an effort in conducting an illegal search, unlawfully arresting Plaintiff, imprisoning him and maliciously prosecuting Mr. Randall and otherwise depriving Plaintiff of his civil and constitutional rights including Plaintiff's rights, privileges and immunities under the Fourth and Fourteenth Amendments to the United States Constitution and the laws of the Commonwealth of Pennsylvania.

21. At no time did Plaintiff commit any offense against the laws of the Commonwealth of Pennsylvania for which an arrest may be lawfully made. At no time did Plaintiff commit any illegal acts or engage in any conduct, which in any way justified the actions of all Defendant police officers.

22. As a direct and proximate result of the Defendants' actions, Plaintiff suffered and continues to suffer serious mental anguish, psychological and emotional distress, and pain and suffering, some or all of which may be permanent.

23. As a direct and proximate result of the Defendants' actions, Plaintiff has suffered and continues to suffer damage to his personal and business reputation.

24. As a direct and proximate result of the Defendants' actions, Plaintiff was arrested, incarcerated and maliciously prosecuted without just or probable cause.

25. The actions of Defendants were undertaken in a menacing and arbitrary manner, designed to cause Plaintiff fear, distress and embarrassment.

26. The acts of Defendants Reynolds, Liciardello, Cujdik, McGee and McCue were committed willfully, wantonly, maliciously, intentionally, outrageously, deliberately and/or by conduct so egregious as to shock the conscience.

27. The acts and omissions of the undivided Defendants were committed without cautious regard to due care, and with such wanton and reckless disregard of the consequences as to show Defendants' indifference to the danger of harm and injury.

28. The individual Defendants conspired to deprive Plaintiff his constitutional rights.

29. Defendants Reynolds, Liciardello, Cujdik, McGee and McCue made statements to police, the district attorney and others in order to conceal their unlawful and unconstitutional conduct and in an attempt to deny Plaintiff access to the Courts and to due process.

30. Defendants Reynolds, Liciardello, Cujdik, McGee and McCue engaged in the aforesaid conduct for the purpose of violating Plaintiff's constitutional rights by subjecting him to unreasonable search and seizure, depriving Plaintiff of property and liberty without due process of law, unlawfully arresting him, and attempting to deprive Plaintiff access to the Courts and to due process.

31. As a direct and proximate result of the Defendants' illegal and unconstitutional actions, Plaintiff suffered pain, fear, anxiety, embarrassment, loss of

liberty, confinement, severe emotional trauma, and the loss of the enjoyment of life, all to his great detriment and loss.

32. As a direct and proximate cause of the Defendants' illegal and unconstitutional actions, Plaintiff suffered and continues to suffer financial loss and deprivation of other liberty interests to his great financial detriment and loss.

**FIRST CAUSE OF ACTION  
FEDERAL CIVIL RIGHTS VIOLATIONS**

33. The allegations set forth in paragraphs 1-32 inclusive, are incorporated herein as if fully set forth.

34. As a direct and proximate result of Defendants' above described unlawful and malicious conduct, committed under the color of state law, and while acting in that capacity, the Defendants deprived Plaintiff of the equal protection of the laws and Plaintiff's rights, privileges and immunities under the laws and the Constitution of the United States. Plaintiff's right to be free from unreasonable searches and seizures, false arrest, false imprisonment, malicious prosecution, to be secure in one's person and property, to access to the Courts, and to due process and equal protection of the law, all to Plaintiff's great detriment and loss. As a result, Plaintiff suffered grievous harm, in violation of his rights under the laws and Constitution of the United States in particular the Fourth and Fourteenth Amendments thereof, and 42 U.S.C. § 1983.

35. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff was forced to endure great pain and mental suffering, and was deprived of physical liberty, all to Plaintiff's great detriment and loss.

36. The City of Philadelphia permitted, encouraged, tolerated, ratified and was deliberately indifferent to a pattern, practice and custom of:

- a. Abuse of police powers, including false arrest, improper identification of suspects, improper use of "confidential information", harassment and improper searches;
- b. Psychologically or emotionally unfit persons serving as police officers; and
- c. Failure of police officers to prevent, deter, report or take action against the unlawful conduct of police officers under such circumstances as presented herein.

37. Defendant, City of Philadelphia was deliberately indifferent to the need to:

- a. Test its officers for emotional and psychological fitness to serve as police officers;
- b. Monitor officers whom it knew or should have known were suffering from emotional and/or psychological problems that impair their ability to function as police officers;
- c. Train its police officers in the appropriate exercise of police powers;
- d. Facilitated, encouraged, tolerated, ratified, and/or was deliberately indifferent to officers using their status as police officers to have persons falsely arrested, maliciously prosecuted, or to achieve ends not reasonably related to their police duties; and
- e. Failure to properly train, supervise and discipline officer officers with regard to such police practices.

38. The City of Philadelphia was deliberately indifferent to the need for more or different training, supervision, investigation or discipline in the areas of:

- a. Exercise of police powers;
- b. Police officers with emotional or psychological problems;
- c. Police officers use of their status as police officers to have persons falsely arrested, or to achieve ends not reasonably related to their police duties; and
- d. False arrest, evidence planting, use of warrants for an improper cause, illegal use of informants and malicious prosecution of citizens.

39. The City of Philadelphia failed to properly sanction or discipline officers, who are aware of and conceal and/or aid and abet violations of constitutional rights of citizens by other police officers, thereby causing and encouraging police officers, including the Defendant police officers in this case, to violate the rights of citizens such as Plaintiff.

40. The foregoing acts, omissions, systemic deficiencies and deliberate indifference to the danger or harm to citizens like the Plaintiff and the need for more or different training, investigation and discipline are policies and customs of the City of Philadelphia and have caused police officers, including Defendant police officers in this case, to believe that they can violate the rights of citizens, with impunity, including the use of fraud and falsehood and to believe that such conduct would be honestly and properly investigated, all with the foreseeable result that officers are more likely to violate the constitutional rights of citizens.

41. The actions of all Defendants, acting under the color of state law and/or in concert or conspiracy with each other, deprived Plaintiff of his rights, privileges and immunities under the laws and Constitution of the United States, in particular, the rights to be secure in one's person and property, unlawful searches, malicious prosecution and from false arrest and to due process of law.

42. Defendants, City of Philadelphia and the individual named Defendants, acting in concert and conspiracy with each other, have by the aforementioned actions deprived Plaintiff of his constitutional and statutory rights.

43. By these actions, all Defendants have deprived Plaintiff of his rights secured by the Fourth and Fourteenth Amendments to the United States Constitution in violation of 42 U.S.C. § 1983.

**SECOND CAUSE OF ACTION  
SUPPLEMENTAL STATE CLAIMS**

44. Plaintiff hereby re-alleges paragraph 1-43 of this complaint, as though fully set forth herein.

45. The acts and conduct of all Defendants alleged in the above stated cause of action constitute false arrest, false imprisonment and malicious prosecution under the laws of the Commonwealth of Pennsylvania, and this Court has supplemental jurisdiction to hear and adjudicate said claims.

**PUNITIVE DAMAGES**

46. Plaintiff re-alleges paragraphs 1-45 of this complaint as though fully set forth herein.

47. The conduct of the individual Defendants were outrageous, malicious, wanton, willful, reckless and intentionally designed to inflict harm upon Plaintiff.

48. As a result of the acts of the individual Defendants alleged in the preceding paragraphs, Plaintiff is entitled to punitive damages as to each cause of action.

**JURY DEMAND**

49. Plaintiff demands a jury trial as to each Defendant and as to each count.

**WHEREFORE**, Plaintiff requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. A declaratory judgment that the practices and policies complained of are unconstitutional;
- d. Reasonable attorney's fees and costs; and
- e. Such other and further relief as appears reasonable and just.

DATED: 9/2/04

  
MICHAEL PILEGGI, ESQUIRE  
303 Chestnut Street  
Philadelphia, PA 19106  
(215) 627-8516

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**RAYMOND RANDALL**

**Plaintiff**

**vs.**

**THE CITY OF PHILADELPHIA,  
PHILADELPHIA POLICE OFFICER REYNOLDS,  
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OFFICER LICIARDELLO, BADGE NUMBER 4383;  
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OFFICER MCGEE, BADGE NUMBER 4504,  
PHILADELPHIA POLICE OFFICER MCCUE,  
BADGE NUMBER 6628, individually and as police  
officers for the City of Philadelphia**

**Defendants**

**JURY TRIAL  
DEMAND**

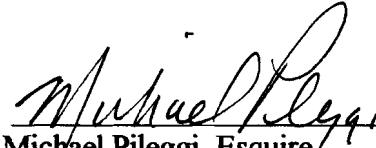
**C.A.#04-**

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**CERTIFICATION OF SERVICE**

Michael Pileggi, Esquire, counsel for the Plaintiff in the above matter, hereby certifies that he served a copy of Plaintiff's Complaint in the above matter, upon the following parties, by letter dated September 2, 2004, mailed by first class, postage prepaid, to the following address:

Lee Holliday, Claims Coordinator  
One Parkway, 1515 Arch Street  
15th Floor  
Philadelphia, PA 19102-1595



Michael Pileggi, Esquire  
303 Chestnut Street  
Philadelphia, PA 19106  
215-627-8516  
Counsel for Plaintiff

**LDD CIVIL COVER SHEET**

04cv4163

the JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## (a) PLAINTIFFS

RAYMOND RANDALL

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

PHILADELPHIA

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

30 MICHAEL PILEGGI  
303 CHESTNUT STREET  
PHILADELPHIA PA 19106

## DEFENDANTS

CITY OF PHILADELPHIA et al.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

## BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff

 3 Federal Question  
(U.S. Government Not a Party)

2 U.S. Government Defendant

 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF DEF

Citizen of This State  1  1 Incorporated or Principal Place of Business In This State  4  4Citizen of Another State  2  2 Incorporated and Principal Place of Business In Another State  5  5Citizen or Subject of a Foreign Country  3  3 Foreign Nation  6  6

## ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

Original Proceeding

 2 Removed from State Court  3 Remanded from Appellate Court 4 Reinstated or ReopenedTransferred from  
 5 another district  
(specify) 6 Multidistrict LitigationAppeal to District Judge from  
 7 Magistrate Judgment

## NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
10 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<b>400 State Reapportionment</b>
20 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury Med Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
30 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
40 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce/ICC Rates/etc	<input type="checkbox"/> 450 Deportation
50 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers Liability	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 470 Selective Service
51 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Copyrights	<input type="checkbox"/> 550 Securities/Commodities/Exchange
52 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth In Lending	<input type="checkbox"/> 530 Patent	<input type="checkbox"/> 575 Customer Challenge 12 USC 3410
53 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Trademark	<input type="checkbox"/> 591 Agricultural Acts
10 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<b>LABOR</b>	<input type="checkbox"/> 592 Economic Stabilization Act
10 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 593 Environmental Matters
15 Contract Product Liability			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 594 Energy Allocation Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 720 Labor/Mgmt Relations	<input type="checkbox"/> 595 Freedom of Information Act
10 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 596 Appeal of Fee Determination Under Equal Access to Justice
10 Foreclosure	<input type="checkbox"/> 442 Employment	HABEAS CORPUS:	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 598 Constitutionality of State Statutes
10 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 600 Other Statutory Actions
10 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	
10 Torts Product Liability	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	
10 All Other Real Property		<input type="checkbox"/> 550 Civil Rights	<b>FEDERAL TAX SUITS</b>	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 670 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 671 IRS Third Party 26 USC 7609	

## CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

42 U.S.C. § 1983; POLICE MISCONDUCT

REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
□ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND:  YES  NO

RELATED CASE(S) (See instructions):

JUDGE

DOCKET NUMBER

E  
9/2/04

SIGNATURE OF ATTORNEY OF RECORD

Michael Pileggi

SEP 02 2004

OFFICE USE ONLY

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 3845 Mt. Vernon Street Philadelphia, PA 19104

Address of Defendant: 1515 Arch Street Philadelphia, PA 19102

Place of Accident, Incident or Transaction: 600 N. Union Street Philadelphia, PA  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)).

Yes

No

Does this case involve multidistrict litigation possibilities?

Yes

No

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
 Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
 Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
 Yes  No

**CIVIL: (Place ✓ in ONE CATEGORY ONLY)**

A. *Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases  
 (Please specify)

B. *Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

*(Check appropriate Category)*

I, \_\_\_\_\_, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

SEP 02 2004

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/2/04

Muhamed Pleggi

Attorney-at-Law

61558

Attorney I.D.#

**LDD**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

*RAYMOND RANDALL* : CIVIL ACTION

v.

*CITY OF PHILADELPHIA, et.al.* : NO. *04cv4163*

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

9/2/04  
Date

MICHAEL P. LEBOVITZ  
Attorney-at-law

PLAINTIFF  
Attorney for

215-627-8516  
Telephone

215-627-5105  
FAX Number

PIL423@AOL.COM  
E-Mail Address

**SEP 02 2004**